

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ANTHONY KEVIN FIELDS,

Plaintiff,

v.

CIVIL ACTION NO. 5:16-cv-00786

JOE COAKLEY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On January 25, 2016, the Plaintiff, acting *pro se*, filed his Complaint (Document 1) in this matter. By *Standing Order* (Document 2) entered that same date, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

By *Order* (Document 3) entered on January 27, 2016, the Magistrate Judge directed the Plaintiff to either pay the filing and administrative fee or file an Application to Proceed in *Forma Pauperis*. Therein, the Plaintiff was advised that his failure to comply with the *Order* would result in a recommendation of dismissal of his action.

Subsequently, on August 16, 2016, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 5). Therein, the Magistrate Judge noted the Plaintiff's failure to comply with the Court's January 27, 2016 *Order* (Document 3), and recommended that this Court Dismiss the Plaintiff's Complaint and remove this matter from the Court's docket.


Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 2, 2016.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Complaint (Document 1) be **DISMISSED** and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosen, counsel of record, and any unrepresented party.

ENTER: September 12, 2016


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA